

REMARKS

After the foregoing amendment, claims 1-3 and 8-14, as amended, are pending in the application. Claims 11-13 have been withdrawn by the Examiner for further consideration in this prosecution. Claims 1 and 14 have been amended to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 4-7 have been canceled. Claims 15-16 were canceled by preliminary amendment. Applicant submits that no new matter has been added to the application by the Amendment.

Rejection - 35 U.S.C. § 102

The Examiner rejected claims 1-2, 8-10 and 14 under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 198,555 (Bear). Applicant respectfully traverses the rejection.

Applicant has amended claim 1 to include the structure of claims 4-7. Applicant has further incorporated a limitation in claim 1. Bear does not disclose a rod or tube with a threaded second end portion, nor a locking nut having a non threaded sleeve for engaging the threaded portion of the rod or tube. Applicant submits that Bear does not disclose all the limitations of amended claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102 rejection of claim 1.

Further, it is respectfully submitted that since amended claim 1 has been shown to be allowable, claims 2, 8-10 and 14, dependent on claim 1 are allowable, at least by their dependency. Accordingly, for all the above reasons, Applicant respectfully requests reconsideration and withdrawal of the § 102 rejection of claims 2, 8-10 and 14.

Rejection - 35 U.S.C. § 103

The Examiner rejected claims 1-10 and 14 as being unpatentable over U.S. Patent No. 5,862,880, (Nelson et al.) in view of Bear. Applicant respectfully traverses the rejection.

Claim 1 has been amended to include a locking nut having a non-threaded portion which deforms when a load applied to the receiving end of the rod exceeds a predetermined value. As made clear at page 7, line 24 to page 8, line 8, the deforming of the non-threaded portion of the locking nut assists in dissipating the energy of a falling body. One skilled in the art would understand, that the additional energy dissipation of the deforming locknut desirably

Application No. 09/800,018
Reply to Office Action of May 6, 2003

reduces the deceleration (g-force) on the device and on the falling body when the anchor device and rope are fully extended by the fall.

The Examiner states that although neither Nelson et al. nor Bear disclose a threaded bolt or nut, it would be obvious to provide a threaded bolt or nut as a matter of design choice. However, the Examiner, while rejecting claim 7, has not addressed the fact that claim 7 recites a locking nut with a non-threaded sleeve, a feature which is not a common feature of locknuts. Further, neither Nelson et al. nor Bear teach or suggest a non-threaded sleeve which is purposely designed to deform when subject to a predetermined load, as recited in amended claim 1.

Applicant submits that neither Nelson et al. nor Bear, teach or suggest a locking nut including a non-threaded sleeve which deforms when subject to a load greater than a predetermined value. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of claim 1.

Further, it is respectfully submitted that since claim 1 has been shown to be allowable, claims 2-3, 8-10 and 14, dependent on amended claim 1 are allowable, at least by their dependency. Accordingly, for all the above reasons, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claims 2-3, 8-10 and 14.

Claim 14

Claim 14 has been amended to correct the antecedent basis of "the anchor device".

Application No. 09/800,018
Reply to Office Action of May 6, 2003

Conclusion

Insofar as the Examiner's objections and rejections have been fully addressed, the instant application, including claims 1-3, 8-10 and 14 is in condition for allowance and Notice of Allowability of claims 1-3, 8-10 and 14 is therefore earnestly solicited.

Respectfully submitted,

October 29, 2003
(Date)

By: 

ARVO FOLDMAA

LOUIS SICKLES II

Registration No. 45,803

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1294

Facsimile: 215-965-1210

E-Mail: lsickles@akingump.com

LS:lcd
Enclosure